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# भारत का राजपत्र

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 28th July, 2000:—

I

BILL NO. XXXX OF 1999

*A Bill further to amend the Constitution of India*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1999. Short title

2. In article 174 of the Constitution, in clause (1), for the word "six months", the words "three months" shall be substituted. Amendment of article 174.

**STATEMENT OF OBJECTS AND REASONS**

As per the provisions of the Constitution, there can be a gap of six months between the two sessions of the State Legislature. In today's changed scenario, when the responsibilities of State have increased immensely, there is need to summon more and more session of State legislatures so that the State Government and the administration could fulfil their responsibilities towards legislatures, in a better way. But now a days, sessions of State legislatures are not being held regularly. By taking advantage of such long intervals between two session, State Governments are functioning in an arbitrary manner. As a result, people's representatives are finding themselves incapable to discharge their duties.

It is, therefore, suggested that the intervening period between the two sessions should be reduced from six months to three months.

Hence this Bill.

RAJNATH SINGH 'SURYA'

**II****BILL No. XXXIX OF 1999***A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:

- |   |                         |
|---|-------------------------|
| <b>1. This Act may be called the Constitution (Amendment) Act, 1999.</b>  | Short title             |
| <b>2. In the preamble to the Constitution, for the word "India", occurring at two places the word "Bharatwarsh" shall be substituted.</b>   | Amendment of Preamble.  |
| <b>3. In article 1 of the Constitution,—</b><br><b>(i) in clause (1) for the words "India, that is Bharat", the word, "Bharatwarsh" shall be substituted.</b><br><b>(ii) in clause (3) for the words "India" the word "Bharatwarsh" shall be substituted.</b>   | Amendment of article 1. |
| <b>4. In article 85 of the Constitution,—</b><br><b>(i) in the marginal heading for the words "prorogation and dissolution", the words "prorogation, suspension and dissolution" shall be substituted;</b><br><b>(ii) in clause 2, the following sub-clause shall be added at the end, namely:—</b><br><b>"(c) keep the House of the People (Lok Sabha) in suspended animation for a specified period".</b> | Amendment of article 85 |

### STATEMENT OF OBJECTS AND REASONS

The ancient name of our country i.e. Bharat is symbol of our unity, integrity and ancient culture. It will be appropriate if this name of our country be incorporated in our Constitution.

Now a days, in the elections, often a hung Parliament emerges. As a result, Lok Sabha needs to be dissolved many a time within a period of five years and the nation has to bear a heavy expenditure on mid-term polls. To avoid dissolution of Lok Sabha before completing five years term and holding frequent mid-term polls, minor amendments can be made in the Constitution to tackle such a situation.

Article 85(2) of the Constitution should, therefore, be amended by incorporating the words at the end “(c) suspend the Lok Sabha”. Such a provision will give us two benefits, Firstly the business of the suspended Lok Sabha will get suspended as is the case in the case of Legislative Assemblies in States and it will make way of political polarisation. Thus, the country could be saved from facing unnecessary elections. In the event of the President suspending the Lok Sabha on the advice of the Prime Minister, immediately, thereafter, the President will administer the country with the help of caretaker Prime Minister. The President, on being satisfied that any party or an alliance of parties is in a position to form the Government, will revoke the suspension of Lok Sabha and invite the concerned party to form the Government.

The Bill, accordingly, seeks to amend the Constitution.

Hence this Bill.

RAJNATH SINGH 'SURYA'

## III

BILL No. I OF 2000

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty First Year of the Republic of India as follows:

- |  |                           |
|--|---------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 2000.  | Short title.              |
| 2. In article 58 of the Constitution, in clause (1) sub-clause (a), for the word "citizen" of India, the words "citizen" of India by birth shall be substituted.                               | Amendment of article 58.  |
| 3. In article 66 of the Constitution, in clause (3), sub-clause (a), for the word "citizen" the words "natural born citizen" shall be substituted.   | Amendment of article 66   |
| 4. In article 75 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—   | Amendment of article 75.  |
| <p style="padding-left: 40px;">"Provided that no person shall be eligible to hold the office of the Prime Minister unless he is a citizen of India by birth".</p>                              |                           |
| 5. In article 93 of the Constitution the following proviso shall be added at the end, namely:—   | Amendment of article 93.  |
| <p style="padding-left: 40px;">"Provided that no person shall be eligible to hold office of the Speaker unless he is a citizen of India by birth".</p>   |                           |
| 6. In article 124 of the Constitution after sub-clause (1) the following proviso shall be added, namely:—  | Amendment of article 124. |
| <p style="padding-left: 40px;">"Provided that no person shall be eligible to hold the office of Chief Justice or Judge of the Supreme Court unless he is a natural born citizen of India".</p> |                           |
| 7. In article 216 of the Constitution the following proviso shall be added, namely:—   | Amendment of article 216. |
| <p style="padding-left: 40px;">"Provided that no person shall be eligible to hold office of Chief Justice or Judge of a High Court unless he is a natural born citizen of India by birth".</p> |                           |

#### STATEMENT OF OBJECTS AND REASONS

A strong need is being felt to bar persons of foreign origin from holding High Constitutional posts.

A person of foreign origin may acquire Indian citizenship by registration for various reasons. Such as marriage to an Indian citizen, or development of business, political or cultural interest in India. Such persons are welcome to live in this country but the power to shape the destiny of India cannot be placed in the hands of those who have recently acquired citizenship.

A foreign born person may have voluntarily or reluctantly acquired Indian citizenship, but such person cannot be given several sensitive posts. A person who has just acquired citizenship by Registration cannot be given sensitive Constitutional offices such as President, Vice President, Prime Minister, Speaker of the Lok Sabha, Chief Justice of India, Judges of the Supreme Court, Chief Justices of High Courts, Judges of High Court which should be held by natural born Indian citizens.

This Bill therefore seeks to amend the Constitution to make only natural born citizens of India eligible to be the President, Vice President, Prime Minister, Speaker of Lok Sabha, Chief Justice of India, Chief Justices of High Courts, Judges of the Supreme Court and High Courts.

AMAR SINGH.

## IV \*

## BILL NO. XVII OF 1999

*A Bill further to amend the Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act, 1983*

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Financial Institutions (Obligation as to Fidelity and Secrecy) Amendment Act, 1999.

Short title and commencement

(2) It shall come into force at once.

2. In section 3 of the Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act, 1983, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 3 of Act, 48 of 1983.

"(2A) Notwithstanding anything in this Act it shall be the Duty of a Public Financial Institution or Banking Company, as the case may be, referred to in this Act to divulge any information relating to the affairs of such a Public Financial Institution or Banking Company required by a Parliamentary Committee appointed by either House or Houses of Parliament in this behalf.".

## STATEMENT OF OBJECTS AND REASONS

In the recent past the entire Banking Industry and Public Financial Institution System in our country were rocked by the biggest ever scandal widely known as the "securities scam" involving more than three thousand crores of rupees in which nationalised and international Banks and major public financial institutions and their bosses were also involved. It has now come to light that all the bankers and financial institution managements, in connivence with some leading share brokers, particularly of the Bombay Stock Exchange, siphoned the money and misappropriated the public money deposited therein. It has put a question mark over the dependability of public financial institutions, and a sense of insecurity is growing among the general public about their deposits in banks and financial institutions.

One reason for the occurrence of such a scam is that the working of banking companies and public financial institutions is immune from public scrutiny by any authority, which perhaps emboldens their bosses to do whatever they like; hence the biggest-ever scam.

In the recent past, the Public Accounts Committee of Lok Sabha had scrutinised the working of our Defence establishments. Similarly, the Subordinate Legislation Committees of Lok Sabha and Rajya Sabha scrutinise the rules of various Organisations including Banks and their officers are summoned to give their views and evidence. So it should be made legal for the Parliamentary Committees to inquire into the working of Banks and Financial Institutions and it should be the duty of such institutions to place everything before such a Committee.

Empowering Parliamentary Committees to scrutinise the functioning of Public Financial Institutions including Banks may exert a healthy check on officials of banks and public financial institutions who, at present, are somewhat immune to Parliamentary Scrutiny, under fidelity and secrecy laws.

Hence this Bill.

SURESH PACHOURI

## V

## BILL No. XXXII of 2000

*A Bill to prevent the Central and State Governments from prescribing syllabi for the schools and educational institutions containing communal bias or agenda and nominating persons with communal background to the apex bodies connected with education like NCERT, UGC, governing bodies of Universities, Centres promoting art, culture, history, science and such other bodies and interfering in the research and other works of educational bodies and attempts to change the facts relating to history, culture and heritage of the society and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

**1. (1)** This Act may be called the Prevention of Communalisation of Education, History, Heritage and Educational Institutions Act, 2000.

Short title, extent and commencement

**(2)** It extends to the whole of India.

**(3)** It shall come into force with immediate effect.

**2.** In this Act, unless the context otherwise requires,—

Definitions

**(a)** “appropriate Government” means in the case of State, the Government of that State and in other cases, the Central Government;

(b) "educational institutions" include all the educational institutions right from the preparatory level to university level whether run with Government funds or by private individuals or bodies;

(c) "educational bodies" include all the bodies such as Boards, councils, registries, Commissions and Academies etc. directly or indirectly connected with education;

(d) "prescribed" means prescribed by rules made under this Act.

Prohibition of prescribing syllabus containing communal material for educational institutions

**3.** Notwithstanding anything contained in any other law for the time being in force, no educational body authorised for prescribing syllabus for various classes, courses; and degrees shall approve any syllabus which contains communal bias or agenda or propose to change the historical facts being taught in any educational institutions.

Prohibition of nomination of person with communal background to educational bodies

**4.** (1) Notwithstanding anything contained in any other law for the time being in force, no Minister of the appropriate Government shall nominate any person having communal or criminal background to any educational body in any capacity whatsoever, either under his discretionary powers or under any authority conferred upon him by any law for the time being in force.

(2) Any nomination made in contravention of sub-section (1) shall be *void ab-initio*.

Power to confiscate syllabus book having communal bias or agenda

**5.** (1) Any book prescribed for the syllabus of any educational institution containing communal bias or agenda or an attempt to change the historical facts therein shall be confiscated by the district administration through the local police and destroyed in such manner as may be prescribed.

(2) The appropriate Government shall withdraw the book from the syllabus which has been confiscated under sub-section (1) with immediate effect.

Prohibition of interfering in the research work and changing historical facts

**6.** Notwithstanding anything contained in any other law for the time being in force, no Minister or any authority of the appropriate Government shall, interfere in any research work of any historian or academician in any manner whatsoever nor shall attempt to change the facts of history or culture or heritage of the nation.

Power to make rules

**7.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

#### STATEMENT OF OBJECTS AND REASONS

Of late, reports are emanating from the media that Central and some State Governments are changing or have changed the syllabus of schools and colleges on communal lines toeing the agenda of communal organisations supporting the Government concerned which has vitiated the atmosphere in educational institutions and is creating communal tension in the temples of education. Similarly, Ministers at the Central and State levels are nominating persons with communal background and in a particular case, a killer who himself has confessed in a book that he had killed a person during partition of the country, to higher educational bodies like NCERT, UGC etc. which has sent shock waves amongst the secular society. The Cultural and Historical bodies are being reconstituted by nominating persons which the communal background and who are supporters of fundamentalists organisations. The entire nation was shocked to learn that two volumes of "Towards Freedom" project were withdrawn by ICHR under pressure and it was widely published that there are attempts to review the history and rewrite it. It is an attempt to play with the facts, culture and heritage of the nation. These actions are seen as attempts to saffronise and communalise education and educational institutions which has to be stopped in order to save the democracy in the country.

Hence this Bill.

SURESH PACHOURI

### MEMORANDUM REGARDING DELEGATED LEGISLATION

**Clause 7** of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

## VI

BILL NO. XXXIII OF 2000

*A Bill to prevent the Central and State Governments from prescribing syllabi for the schools and educational institutions containing communal bias or agenda and nominating persons with communal background to the apex bodies connected with education like NCERT, UGC, governing bodies of Universities, Centres promoting art, culture, history, science and such other bodies and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-First year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Communalisation of Education and Educational Institutions Act, 2000.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Short title, extent and commencement.

Definitions

**2.** In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of State, the Government of that State and in other cases, the Central Government;

(b) "educational institutions" include all the educational institutions right from the preparatory level to university level whether run with Government funds or by private individuals or bodies;

(c) "educational bodies" include all the bodies such as Boards, councils, registries, Commissions and Akademies etc. directly or indirectly connected with education;

(d) "prescribed" means prescribed by rules made under this Act.

Prohibition of prescribing syllabus containing communal material for educational institution.

**3.** Notwithstanding anything contained in any other law for the time being in force, no educational body authorised for prescribing syllabus for various classes, courses; and degrees shall approve any syllabus which contains communal bias or agenda or propose to change the historical facts being taught in any educational institutions.

Prohibition of nomination of person with communal background to educational bodies.

**4. (1)** Notwithstanding anything contained in any other law for the time being in force, no Minister of the appropriate Government shall nominate any person having communal or criminal background to any educational body in any capacity whatsoever, either under his discretionary powers or under any authority conferred upon him by any law for the time being in force.

(2) Any nomination made in contravention of sub-section (1) shall be *void ab-initio*.

Power to confiscate syllabus book having communal bias or agenda.

**5. (1)** Any book prescribed for the syllabus of any educational institution containing communal bias or agenda or an attempt to change the historical facts therein shall be confiscated by the district administration through the local police and destroyed in such manner as may be prescribed.

(2) The appropriate Government shall withdraw the book from the syllabus which has been confiscated under sub-section (1) with immediate effect.

Power to make rules.

**6.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

### STATEMENT OF OBJECTS AND REASONS

Of late, reports are emanating from the media that Central and some State Governments are changing or have changed the syllabus of schools and colleges on communal lines toeing the agenda of the communal organisations supporting the Government concerned which has vitiated the atmosphere in educational institutions and is creating communal tension in the temples of education. Similarly Ministers at the Central and State levels are nominating persons with communal background and in a particular case a killer, to higher educational bodies like NCERT, UGC etc. which has sent shock waves amongst the secular society. The Cultural and historical bodies are being reconstituted by nominating persons with the communal background and who are supporters of fundamentalists organisation. These actions are being seen as attempts to communalise education and educational institutions which has to be stopped in order to save the democracy in the country.

Hence this Bill.

EDUARDO FALEIRO

## MEMORANDUM REGARDING DELEGATED LEGISLATION

**Clause 6** of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of Legislative power is of normal character.

R.C. TRIPATHI,  
*Secretary-General.*